

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DePuy Mitek, Inc.)	
a Massachusetts Corporation)	
)	
Plaintiff.)	
)	
v.)	Civil No. 04-12457 PBS
)	
Arthrex, Inc.)	
a Delaware Corporation, and)	
)	
Pearsalls Ltd.)	
a Private Limited Company)	
of the United Kingdom)	
)	
Defendants.)	
)	

Plaintiff DePuy Mitek's Motion *In Limine* (No. 3)
To Preclude Arthrex from Relying on U.S. Patents 4,074,713 and 4,074,366

Plaintiff, DePuy Mitek ("Mitek") moves the Court to preclude Arthrex from presenting argument and evidence of U.S. Patents 4,074,713 and 4,074,366. Mitek respectfully requests an order precluding Arthrex from using these patents at trial because: (1) they were not timely produced, and Mitek has not had a chance to have its experts consider these patents; (2) no Arthrex expert witness can testify to their content because they were not considered in any Rule 26 report; and (3) the patents are irrelevant to the proper question of infringement.

Dated: July 13, 2007

DEPUY MITEK, INC.,
By its attorneys,

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